

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARVIN JUNIUS SIMMONS,	:	
Plaintiff	:	
vs.	:	CIVIL NO. 1:CV-10-0771
	:	(Judge Caldwell)
RONNIE HOLT, et al.,	:	(Magistrate Judge Blewitt)
Defendants	:	

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Upon consideration of the Report and Recommendation of Magistrate Judge Blewitt, filed April 29 2010, to which no objections have been filed, it is Ordered that the Report is approved. Pursuant to Judge Blewitt's recommendation it is also Ordered as follows:

- 1) All claims asserted against defendant Lt. Mrad are dismissed with prejudice.
- 2) The Eighth Amendment claims against defendant Warden Ronnie Holt, arising out of November 6, 2008 incidents, may proceed.
- 3) The two Eighth Amendment claims against defendant, Associate Warden Angela Dunbar, arising out of the November 15, 2008 incident may proceed. The claim against defendant Dunbar, arising from the November 16, 2008 incident, is dismissed with prejudice.
- 4) The claim against defendants Holt and Dunbar, for allegedly denying Plaintiff recreation/exercise privileges from November 6, 2008 to January 9, 2009, may proceed.

- 5) This matter is remanded to Judge Blewitt for further proceedings.

/s/William W. Caldwell
William W. Caldwell
United States District Judge

Date: May 21, 2010